

**IN THE CLAIMS**

**Please amend the claims as followed:**

1. (amended) A latch assembly adapted for use with a vehicle including a tire, the tire having a rim with at least one aperture, the latch assembly comprising, in combination: a tire carrier having a first flexible member and a winch, the first flexible member having one end attached to the winch and another end detachably attached attachable to the tire; a second flexible member having one end and ~~an other~~ another end, the one end connected to the vehicle and the other end for connecting ~~connected~~ to the tire; and a locking member attached to the second flexible member, the locking member for being disposed in the aperture of the tire to detachably connect to the rim, the locking member is one of a clamp member and a hook member, the locking member and the second flexible member preventing the tire from detaching from the a vehicle when one of the first flexible member and the winch fails.

2. (amended) The latch assembly according to claim 1 wherein the clamp member ~~including~~ includes a latch member having a support plate and a latching member, the support plate having a longitudinal portion, the latching member having a longitudinal section, the clamp member for clamping the rim being clamped between the longitudinal portion of the support plate and the longitudinal section of the latching member.

3. (amended) The latch assembly according to claim 1 wherein the clamp member ~~including~~ includes a latch member having a support plate and a latching member, the support plate being rotatably connected to the latching member.

4. (amended) The latch assembly according to claim 1 wherein the clamp member ~~including~~ includes an eyebolt having a portion attached to the second flexible member, a longitudinal portion disposed in the at least one aperture and a fastener threadably engaged to the longitudinal portion, the fastener and the longitudinal portion for being disposed in the aperture, the fastener for engaging the rim and connecting the rim to the second flexible member.

5. (amended) The latch assembly according to claim 1 wherein the clamp member ~~including~~ includes a wing nut member having a portion connected to the second flexible member, a longitudinal portion with a threaded section disposed in the at least one aperture, a wing nut threadably engaging the threaded section and a latching plate adjacent the longitudinal portion, the wing nut and latching plate for being secured to the rim.

6. (amended) The latch assembly according to claim 1 wherein the hook member ~~including~~ includes a arcuate portion and lock portion pivotally attached to the arcuate portion, the rim having two apertures, the hook member for being disposed in at least one of the two apertures.

7. (amended) The latch assembly according to claim 1 wherein the clamp member ~~including~~ includes a toggle member having a longitudinal portion, a threaded portion, a base plate and threaded fastener, the longitudinal portion having a pair of extending wings, the base plate having a portion forming an plate aperture, the threaded portion being inserted into the plate aperture ~~to sandwich~~ for sandwiching the rim between the base plate and the pair of wings.

8. (original) The latch assembly according to claim 1 wherein the first flexible member having a first load carrying capability, the second flexible member having a second load carrying capability, the second load capability being greater than the first load carrying capability.

9. (canceled without prejudice)

10. (amended) The latch assembly according to claim 1 wherein the clamp member including a latch assembly having a rim support plate and a latch member connected to the plate, the rim having a web portion, the clamp member ~~being disposed for disposition in~~ the at least one aperture to clamp the web portion between the rim support plate and the latch member.

11. (amended) A latch assembly adapted for use with a vehicle including a tire having a rim with at least one aperture and a tire carrier, the latch assembly comprising, in combination: ~~a tire carrier~~, a flexible member having one end for attaching to one of the a vehicle and ~~the a tire carrier~~ and another end; and a locking member attached to the ~~another~~ other end of the flexible member, the locking member ~~being disposed in the aperture to for detachably connect engaging the flexible member to the rim of a tire, the locking member is one of a clamp member and a hook member.~~

12. (amended) The latch assembly according to claim 11 wherein the rim having a portion forming at least a second aperture, the aperture having one of an elliptical shape, an arcuate shape and a multi-sided shape, wherein the locking member detachably engages the rim at the second aperture.

13. (amended) The latch assembly according to claim 11 wherein the locking member comprises a clamp member which is includes one of a latch member, an eye bolt member, a wing nut member and a toggle bolt member.

14. (amended) The latch assembly according to claim 11 wherein the locking member comprises a clamp member which includes ~~including~~ a latch member having a support plate, a latching member, the clamp member for disposition being disposed in at least one aperture of a tire rim to detachably attach the tire to the flexible member.

15. (amended) The latch assembly according to claim 11 wherein the tire carrier ~~having~~ includes a winch, a winch flexible member and a tire plate.

16. (amended) The latch assembly according to claim 11 wherein the rim ~~having~~ includes a non-central aperture and the locking member for being disposed in the non-central aperture.

17. (amended) The latch assembly according to claim 11 wherein the locking member comprises a clamp member for clamping the rim to secure the tire to the vehicle.

18. (amended) The latch assembly according to claim 11 wherein the locking member comprises a hook member for engaging the rim and for disposition being disposed in at least one aperture of the rim to detachably secure the tire to the vehicle.

19. (amended) The latch assembly according to claim 11 wherein the locking member comprises a clamp member, the clamp member including a latch member having a support plate and a latching member, the support plate having a least one off-set section, the support plate and the latch member producing an audible signal when the web portion of the rim is clamped between the support plate and the latch member.

20. (amended) The latch assembly according to claim 11 wherein the rim ~~having~~ has a non-central aperture, the locking member comprising a hook member, the hook member being detachably engaged to the rim through the non-central aperture.

21. (New) A latch assembly for use with a vehicle including a spare tire, the spare tire having a rim with at least one aperture, the latch assembly comprising, in combination:  
a tire carrier having a first flexible member and a winch, the first flexible member having one end attached to the winch and another end detachably connectable to a tire;  
a locking member for engaging and locking to a rim;  
a second flexible member having one end and another end, the one end connectable to a vehicle and the other end connected to the locking member, the locking member for detachably connecting the second flexible member to the rim of a spare tire for preventing

the spare tire from detaching from a vehicle when one of the first flexible member and the winch fails.